

■ **ANNUAL REPORT** ■

April 1, 1990 - March 31, 1991

ALBERTA LABOUR RELATIONS BOARD

March 18, 1992

Honourable Elaine McCoy, Q.C.
Minister of Labour
103 Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Ms McCoy:

It is my pleasure to forward the Annual Report of the Labour Relations Board. This report covers the period from April 1, 1990 to March 31, 1991.

A handwritten signature in black ink, appearing to read 'A.C.L. Sims', with a stylized flourish at the end.

Andrew C.L. Sims, Q.C.
Chair

■ CONTENTS ■

Message from the Chair	3
Introductory Comments	5
Board Facilities	7
Membership	7
Offices and Staff	7
Hearings	9
Publications	9
Board Practice and Procedures	11
Areas of Statutory Responsibility	13
Trade Unions and Employers' Organizations	13
Certification and Voluntary Recognition	13
Modification and Revocation of Bargaining Rights	18
The Collective Bargaining Process	19
Strikes, Lockouts and Picketing	21
Collective Agreement Arbitration	22
Prohibited Practices	23
The Construction Industry	25
Judicial Review	27
Case Load Statistics	29

■ MESSAGE FROM THE CHAIR ■

This is the second annual report of the Alberta Labour Relations Board. It covers the fiscal year April 1, 1990 to March 31, 1991.

The first report covered the 16 month period immediately following the proclamation of the Labour Relations Code on November 28, 1988. If that period was one of transition, this next year has been one of consolidation. Familiarity with the Labour Relations Code increased with experience, both within the Board and amongst the parties.

It is the responsibility of the Labour Relations Board to provide fair, impartial and efficient resolution of applications and disputes brought to it under the Labour Relations Code. The Board's approach is to encourage settlement wherever possible, while providing clear, consistent and timely adjudication when necessary.

Labour relations often appears confrontational to the public. This image obscures the bedrock of mutual respect that exists within the labour relations community. The large majority of those involved in bargaining relationships go about their labour relations activities conscious of a shared responsibility for success. The Board sees daily evidence of this in the willingness of parties to explore constructive solutions to the issues confronting them.

The Board is fortunate in having an efficient and dedicated staff, working with experienced and representative Board members. The Board is grateful for the co-operation it customarily receives from the employers, employees, trade unions and representatives who appear before it.

We hope this annual report will give insights into the workings of the Labour Relations Code and contribute to a heightened understanding of the role labour relations plays in the province's social and economic life.

A handwritten signature in dark ink, appearing to read 'A. Sims', with a stylized flourish at the end.

Andrew C.L. Sims, Q.C.
Chair, Alberta Labour Relations Board

■ INTRODUCTORY COMMENTS ■

The Labour Relations Code governs the labour relations of about 200,000 unionized employees representing three-quarters of all unionized employees in the province. It excludes employers and employees in the provincial government, farm or ranch labour and domestic work. It excludes industries falling under federal jurisdiction. The Code does not cover self-employed workers. Some other employees in Alberta have their labour relations governed entirely by special acts, such as the Colleges Act and the Technical Institutes Act, or partially so, as is the case under the Police Officers Collective Bargaining Act and the School Act.

The Code also excludes people who, in the Board's view, exercise managerial functions or who are employed in a confidential capacity in matters related to labour relations. It does not apply to doctors, dentists, architects, engineers, and lawyers while employed in their professional capacities.

The Code contains provisions outlining the rights and responsibilities of employers, trade unions, and employees in labour relations.

Employees have the right to seek collective bargaining with their employers. The Labour Relations Code guarantees this right and establishes a framework for employees to make this choice freely. The Code describes how a trade union bargains with an employer over terms and conditions of employment to arrive at a collective agreement. Rules of fair play govern trade unions, employers, and employees in their labour relations activities.

The Alberta Labour Relations Board, an independent and impartial tribunal, is responsible for the day-to-day application and interpretation of these rules. It also processes the various applications required by the Code.

This report begins by describing the Board's facilities, its members, staff, publications, hearings, and its practice and procedure. Then it reviews the following areas of statutory responsibility:

- Trade Unions and Employers' Organizations
- Certification and Voluntary Recognition
- Modification and Revocation of Bargaining Rights
- The Collective Bargaining Process
- Strikes, Lockouts and Picketing
- Collective Agreement Arbitration

Prohibited Practices
The Construction Industry

The report then summarizes judicial review activity during the reporting period. The commentary throughout describes the Board's case-load experience during the period, drawing on the more detailed statistics found in the various Tables. The commentary includes leading cases and other important developments.

The report concludes with a series of detailed statistical tables. These tables begin with a brief description of the statistical conventions used throughout this report.

This report presumes a basic understanding of the Board's mandate and the provisions of the Alberta Labour Relations Code. Those wishing further information on these matters should review the various Board publications described on pages 9 and 10.

■ BOARD FACILITIES ■

◆ MEMBERSHIP

The Board includes the Chair, three Vice-Chairs, and 22 part-time members. The Lieutenant Governor in Council appoints members for their experience and knowledge of labour relations, giving equal representation to labour and management.

The Board began this reporting period with the following members:

CHAIR: Andrew C.L. Sims, Q.C.

VICE-CHAIRS: William Canning, A. Keith Aldridge, Gerald A. Lucas, Q.C.

MEMBERS:

Zale Asbell	Lesley-Anne Haag	Jack Murray
Scott Boyd	Mike Halpen	Donna Neumann
Raymond Drisdelle	Ken Kreklewetz	Lynn Parmenter
Shelley Ewart-Johnson	Frank Kuzemski	Larry Schell
David Fagan	Normand Leclaire	Kathy Thompson
Lynda Flannery	Angus MacDonald	Clifford Williams
William Flookes	Douglas Mitchell	Kay Willekes

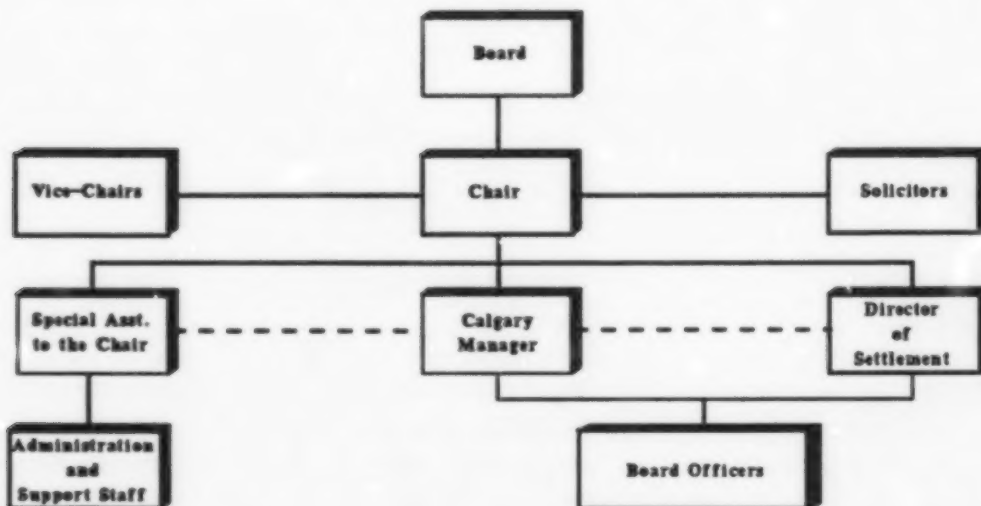
During this reporting period Kathy Thompson and William Flookes left the Board. Both made an important contribution to the Board's activities. This included the many hearings where they sat as members. It also included their participation in the Board's caucuses and committees, where they brought important perspectives to the Board's policy deliberations.

◆ OFFICES AND STAFF

The Board has 27 full-time staff, divided between its Edmonton and Calgary offices. This includes the Chair, Andrew C.L. Sims, Q.C. and Vice-Chairs, Bill Canning and Keith Aldridge. The Board has two solicitors, Les Wallace and Sarah FitzGerald, who also serve as solicitors to the Alberta Human Rights Commission. In February, 1991, Board Solicitor Russ Albert left the Board to

resume a career in private practice, following four years of distinguished service on behalf of the Board and the Commission. The Board will miss his skillful counsel.

The Board divided its operations into case settlement functions under the Director of Settlement, Dennis Bykowski, and administrative functions under Janice Smith, Special Assistant to the Chair. The Director of Settlement's office includes Jim Jung, the Calgary Manager.



The Board also uses 28 Deputy Returning Officers situated throughout the Province, each with several polling clerks. These persons give the Board the capacity to respond to applications and conduct votes anywhere in the Province within very short time frames. Each Returning Officer can serve documents, post notices and conduct votes on the Board's behalf.

The Board receives applications in its Edmonton and Calgary offices. In this reporting period, the Board received a total of 1,073 matters and concluded 1,108. Of these, the Edmonton office processed 717 (67%) and the Calgary office 356 (33%).

◆ HEARINGS

The Board sits in panels of three and sometimes five members, with a Chair or Vice-Chair in each case. Most hearings take place in Edmonton or Calgary. However, in appropriate cases, the Board holds hearings in the location closest to the workplace. In this reporting period, panels also sat in Red Deer, Grande Prairie and Fort McMurray.

During this reporting period, the Board conducted 556 hearings. There may be several panels sitting on one day, and each panel may hear more than one case. A panel day is one panel sitting for a day for one or more cases. In total, there were 282 panel days during the reporting period. This compares to 610 hearings, involving 302 panel days, during the previous reporting year.

◆ PUBLICATIONS

The Board believes its decisions and policies must be accessible and understandable. It publishes them in the following ways:

Information Bulletins

Information Bulletins are available to the public free of charge. Twenty-three bulletins outline the Board's policies and procedures on topics like filing applications, standard bargaining unit descriptions, and strikes and lockouts.

Practitioner's Manual

The Practitioner's Manual includes an annotated Labour Relations Code, all information bulletins and rules, the Guide to the Code, and other useful information. Subscriptions include regular quarterly updates and are available from the Legal Education Society of Alberta, #2005, 10201 - Jasper Avenue, Edmonton, Alberta, T5J 3N7. Telephone (403) 420-1987.

Alberta Labour Relations Board Reports

This is a subscription service published by the Legal Education Society of Alberta. Each year's service includes a case table, and the full text of all Alberta Labour Relations Board and related

Court decisions. It also includes case headnotes, keyword/subject indexes and updates on Court challenges to Board decisions. Subscriptions are available from the Legal Education Society of Alberta.

Board decisions issued since 1952 are on file at the Labour Information Services Branch, Room 302A, 10808 - 99 Avenue, Edmonton, Alberta, T5K 0G5. They are also on file at the Law Libraries of the Universities of Calgary and Alberta and the Courthouse Libraries in Calgary and Edmonton.

Quick Law On-Line Full-Text Decisions

The Quick Law on-line database service gives computer access to the full text of all Board decisions issued since 1986. Quick Law also has on-line access to the full index of Board decisions, including case summaries.

Alberta Labour Relations Board Decisions Index

This is a subscription service published by the Legal Education Society of Alberta. Indexes provide access to all Board and related Court decisions. They contain four sections: parties, section of the Code, subject, and date. Entries contain the following information: parties, Board file number, section of Code, subject, date of decision, appeal status, chair, summary, and citation.

The three available indexes cover cases under the Alberta Labour Act, the Labour Relations Act, and the Labour Relations Code. They are available from the Legal Education Society of Alberta, #2005, 10201 - Jasper Avenue, Edmonton, Alberta, T5J 3N7. Telephone (403) 420-1987.

Annual Reports

This is the Board's second annual report. For additional copies of this report, or of the first annual report, write or call the Board at #503, 10808 - 99 Avenue, Edmonton, Alberta, T5K 0G5, phone (403) 427-8547 or toll-free at 1-800-463-ALRB (2572).

■ BOARD PRACTICE AND PROCEDURES ■

The new Labour Relations Code has now been in force for over two years. Parties have had time to become familiar with the new Board Rules and procedures introduced with the Code. During the reporting period, the Board revised several Rules, forms and Information Bulletins, but made no major changes in procedure. Several cases raised issues involving Board practices and procedures.

Stuart Olson et al. v. Labourers, Locals 92 et al., [1990] Alta.L.R.B.R. 210, raised several practice issues. The union asked for an examination for discovery-like process, similar to that available in a Court of law. The Board ruled that important policy reasons including expense, delay and maintaining informality militated against adopting a judicial model for Board adjudication.

In that same case, the Board discussed its policy about the need for particulars and the role of its officers in pre-hearing process. It confirmed that it is the Board and its investigating officer that dictates the form of any investigation, rather than the parties. Board Officers are impartial Board representatives carrying out investigations using their own judgment. Applicants must provide particulars which, if supported by evidence, establish their entitlement to a remedy under the Code. The Board normally only orders an officer's report once it has a properly particularized application. Parties cannot expect an officer to fill in the particulars they have failed to provide.

Several cases examined the Board's voting procedures. In *U.F.C.W., Local 421-P v. Airtex Manufacturing et al.*, [1990] Alta.L.R.B.R. 607, the Board held that an invalid or spoiled ballot was not a "ballot cast" in determining the required support in a representation vote. The Court of Queen's Bench upheld the Board's decision on judicial review, although an appeal remains pending before the Court of Appeal.

In *Teamsters, Local 987 v. N.A.D.P.* [1991] Alta.L.R.B.R. 50, the Board ruled on an objection to the conduct of a representation vote. The applicant union alleged that the form of ballot used confused voters. The Board found the ballot clear enough for the average voter and refused to set aside the vote. The Board declined to get into a post-vote inquiry into the way each voter viewed the ballot because this would undermine the secret ballot process.

The Board interpreted Voting Rule 16 in *Lansdowne Foods Ltd. v. U.F.C.W. Local 401* [1991] Alta.L.R.B.R. 6. The Board initially determined voter eligibility on the basis of evidence available on the date of the vote. The Board refused to upset an eligibility ruling that someone was likely to return to work on a given date just because subsequent evidence disproved that prediction.

Parties made extensive use of section 11(4) of the Code, which permits the Board to reconsider its own decisions. During the year, the Board concluded 26 review-type reconsiderations. Of those, one was incomplete, four withdrawn, nine declined, one decision varied, six revoked and five affirmed following reconsideration.

Section 11(3) allows the Board to make a wide variety of determinations, for example, whether a person is an employee, or falls within a bargaining unit. Often, these simply arise during applications. However, this section also gives rise to many free standing determinations made outside any other application. During the reporting period, the Board concluded 162 such determinations. The Board adjourned five sine die, resolved four by an informal section 10 hearing. Board intervention settled 29, while applicants withdrew 56. The Board made 38 determinations in favour of the applicant's position and 30 in favour of the respondent's position.

The Board received 193 requests for determination, up from 86 in the previous year. Many of these determination applications involved questions about managerial status or similar matters. Wherever possible, the Board encourages parties to settle such questions co-operatively or through the grievance procedures within their collective agreements.

Section 17(6) of the Code allows the Board to file its orders in the Court of Queen's Bench for enforcement in cases of non-compliance. The Board received six such requests during this reporting period. Three requests were withdrawn and three granted. In *U.F.C.W. Local 401 v. Lansdowne Foods* [1991] Alta.L.R.B.R. 41, the Board found that a successorship declaration implicitly required compliance with a collective agreement. Total non-compliance amounted to more than just a breach of the agreement, and justified filing the order in Court.

■ AREAS OF STATUTORY RESPONSIBILITY ■

◆ TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS

A cornerstone of the Labour Relations Code is the right of employees to be members of trade unions and to participate in their lawful activities (section 19). However, the Code only partially regulates trade unions themselves. Many aspects of the relationship between a union and the people it represents are internal union matters.

Organizations seeking certification under the Code must meet certain basic conditions and satisfy the Code's filing requirements. The Trade Union Records Officer supervises all trade union filings and maintains the Board's trade union registry. At the end of the reporting period, the trade union filing registry contained 293 active, and 152 inactive, parent trade union organizations. It also contained 993 active, and 189 inactive, trade union local organizations.

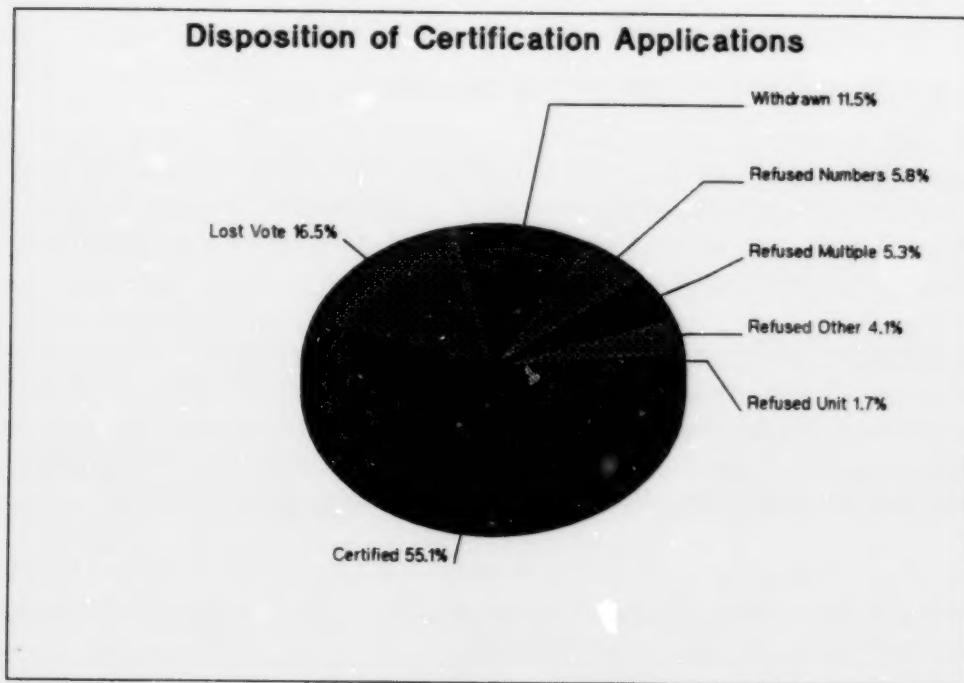
Any trade union seeking certification must have its constitution on file for 60 days. A union seeking its first certification must prove its trade union status. After that, it is presumed to be a trade union unless a party proves otherwise.

The Board examined the definition of "trade union" in *Alberta Scaffolders Assoc. v. Access Scaffold* [1990] Alta.L.R.B.R. 618. The Board found the Code requires some substance to the "organization" of employees before it is a trade union. This decision reviews the factors indicative of such substance. It also reviews the factors that might influence the Board in deciding whether a trade union is influenced or dominated by an employer within the meaning of section 36(1).

◆ CERTIFICATION AND VOLUNTARY RECOGNITION

The Board processed 243 certification applications during the year. The Code allows applicant trade unions a representation vote where they show 40% employee support within the proposed bargaining unit. Of the 174 that went to vote, 134 (77%) achieved certification.

In contrast to the last report period, the number of certification applications went down from 251 to 243. However, the number actually granted went up from 116 to 134. The most significant differences were in the number dismissed for lack of the initial 40% support, which dropped from 9% to 5.8% and in the percentage of applications achieving certification, which went from 49.3% to 55.1% in 1990-91.



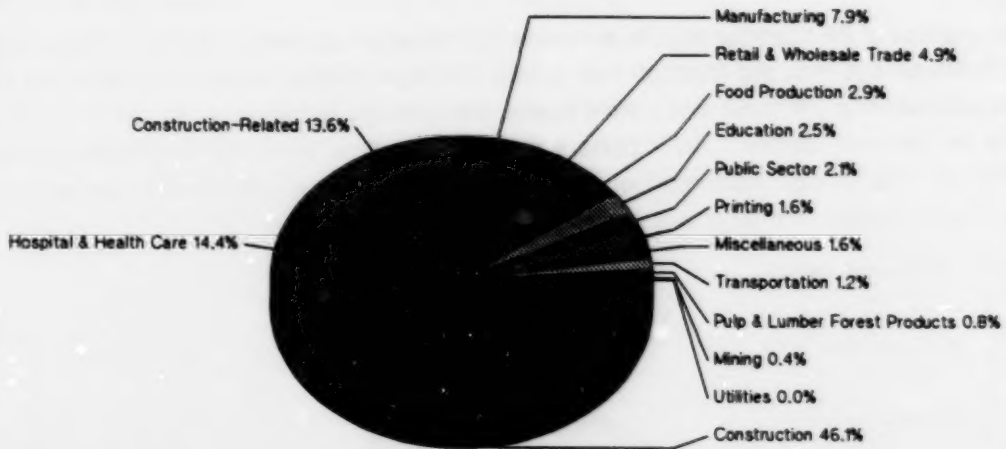
In this chart:

- **Refused Numbers:** means the applicant lacked the initial 40% support.
- **Refused Multiple:** means the applicant lost one of two parallel applications, for example, where the Union applied for two different named employers intending only to certify one.
- **Refused Unit:** refers to those where the bargaining unit proved inappropriate for collective bargaining.
- **Refused Other:** covers all other cases that did not involve a representation vote.

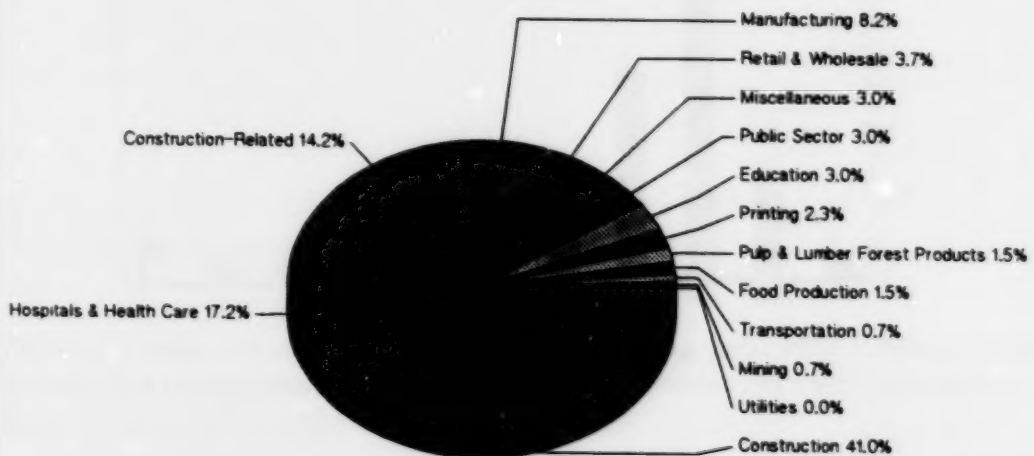
The Board classifies applications into the Industry Types set out in Table 4 at the end of this report. Table 3 breaks down the year's certification applications by industry. The following charts give a simplified version of this breakdown. The first covers all applications received, the second, certificates granted.

Significant changes from the last reporting period are a drop in the percentage of construction applications and certificates granted (from 58.3% down to 46.1% for applications and from 52.5% down to 41% for certificates granted) and an increase in the Hospitals and Health Care area (from 7.1% up to 14.4% for applications and from 10% up to 17.2% for certificates granted).

All Applications Received

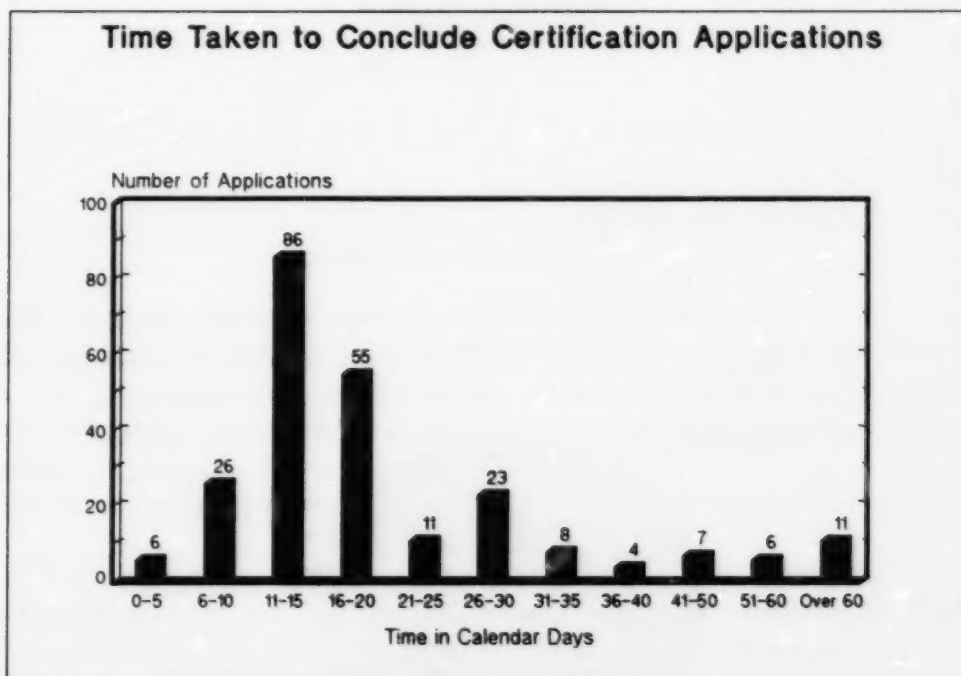


Certificates Granted

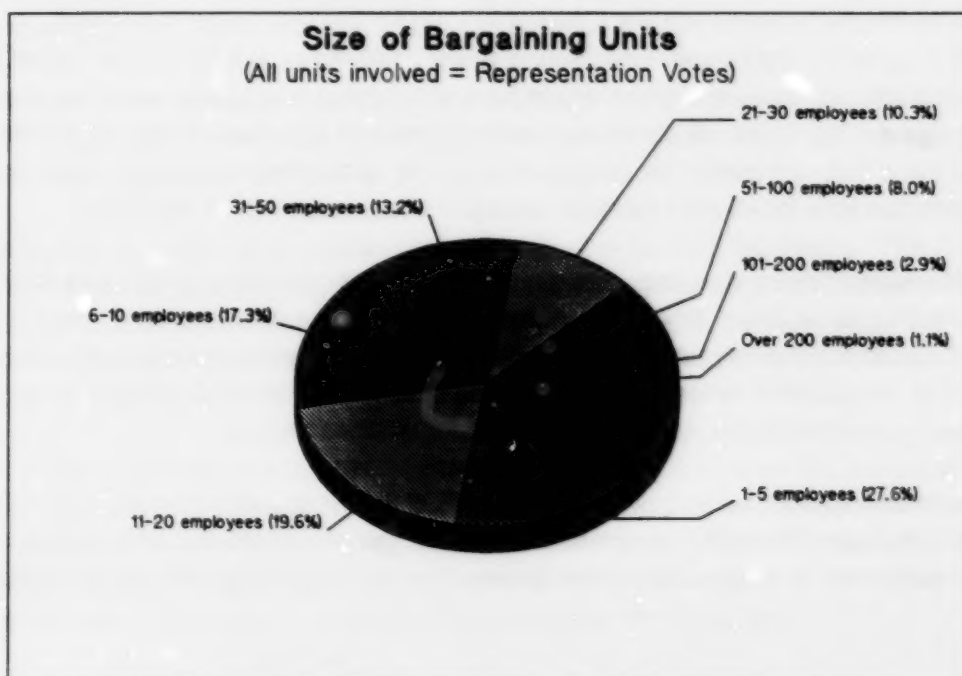


Of the 243 certification applications concluded in this period, the Edmonton office processed 179 (74%) and the Calgary office 64 (26%).

It took an average of 24 calendar days to conclude a certification application during this reporting period. However, this included litigation over a series of eight related cases which distorted the averages substantially. Without those eight cases, the average remained at 21 days, which is the same as the year before. An important factor in the time taken for certification is the representation vote. A significant number of cases required a mail-in vote which takes an extra 14 days. The averages quoted above include these situations.



The bargaining units trade unions applied for varied in size from two employee units to a unit of over 1,000 employees. The following table illustrates the size of units involved in representation votes over this period.



As in the previous period, a high percentage of employees participated in representation votes. In 27% of the representation votes held, the Board experienced 100% employee turnout. Overall, the average turnout was 82.1%.

In *I.A.T.S.E. Local 210 v. Edmonton Symphony Society* [1990] Alta.L.R.B.R. 121, the Board set out a checklist of statutory requirements for certification under the Labour Relations Code procedures.

Until this year, the Board assessed bargaining unit size and the 40% support figure as of the date of the certification application. It counted all employees who worked on the given day. Following a Court challenge, in *U.A. Local 488 v. Plains-Pacific Construction Ltd.* [1991] Alta.L.R.B.R. 79, the Board had to interpret the meaning of being employed "at the time of the application" for the purposes of certification applications. It then ruled that the new Labour Relations Code wording requires the Board to make that assessment as at the time of filing the application. This excludes employees hired after the application and excludes those who left beforehand.

In *C.U.P.E. Local 474 v. Edmonton Public School Board* [1990] Alta.L.R.B.R. 641, the Board had to rule on the effect a new certification would have on a strike in progress involving another bargaining agent. The Board ruled that certification would end the strike. However, the Board considered this a "relevant matter" for consideration on the certification application, and delayed the representation vote for 45 days using its discretion under section 37 of the Code.

The Board canvassed the scope and purpose of the exclusion of those employed in a confidential capacity in *A.T.U., Local 569 v. City of Edmonton et al.* [1990] Alta.L.R.B.R. 486. It held that the confidential nature of the work must relate specifically to labour relations matters and must be a regular part of the person's duties. Disclosure of information to which the person has access must adversely affect the employer's interests in labour relations matters.

Many cases raised appropriate bargaining unit issues, but the Board made no major new rulings in this area. It reviewed its policies on non-construction bargaining units for building tradespeople and issued guidelines in a new Information Bulletin No. 11, *Bargaining Units for the Building Trades*.

◆ **MODIFICATION AND REVOCATION OF BARGAINING RIGHTS**

The Board concluded 35 sale, lease, or transfer applications under section 44 of the Code. Of these, 18 were granted, four dismissed as incomplete, four withdrawn, one adjourned sine die, three dismissed and five settled through Board intervention.

The Code divides the Board's jurisdiction to grant common employer declarations between two sections, one for construction and the other for non-construction. In the non-construction area the Board concluded seven applications. Three were incomplete and four withdrawn. Of the nine construction applications, two were granted, three dismissed as incomplete, one withdrawn, one dismissed and two settled through Board intervention.

In *Construction and General Workers' Union Local 92 v. Midwest Pipeline et al.* [1990] Alta.L.R.B.R. 579, the Board summarized the five steps involved in a construction industry common employer application under the new Section 190.

The Board refused to declare two entities common employers where the two companies operated in separate markets in *U.A. Local 488 v. Sun West Coordination Services Ltd. et al.* [1990] Alta.L.R.B.R. 31. One employer was strictly an industrial contractor, while the other pursued commercial work. There was little integration between the two businesses or their workforces.

The Board granted three and dismissed one application to modify bargaining rights under section 43. There were 12 successor trade union applications concluded in this period. The Board dismissed one and granted 11.

The Board concluded 49 revocation applications during the reporting period. This is down from the 379 figure for 1989-90. However, as noted in the last annual report, that figure involved 320 applications from trade unions. Without that anomalous figure, the level of revocation remains similar to last year. Table 5 at the end of this report shows the disposition of these applications and the industries involved.

The Board assesses the initial 40% employee support for a revocation application at the time of the application. It considers the last voluntary statement of an employee before that time. In *Certain Employees of Select Foods Ltd. v. U.F.C.W. Local 401* [1990] Alta.L.R.B.R. 342, the Board accepted employee letters countermanding their earlier support for revocation. The Board received these letters before it received the application for revocation.

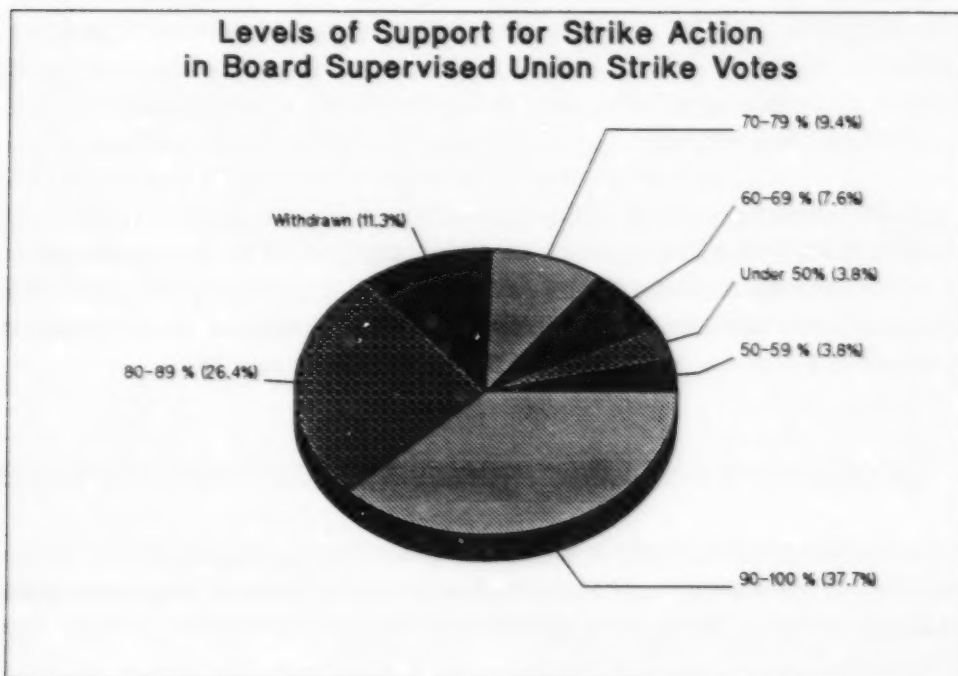
♦ THE COLLECTIVE BARGAINING PROCESS

The Board concluded 23 duty to bargain in good faith complaints for this period. Four were withdrawn, four settled through Board intervention, six dismissed, three adjourned sine die, two dismissed as incomplete and four granted.

U.F.C.W. Local 373A v. Old Dutch Foods Ltd. [1990] Alta.L.R.B.R. 377 involved a dispute about a union security clause which the employer refused to agree to include in the collective agreement. The Board found that union security arrangements are subject to collective bargaining without statutory direction. In the absence of illegality, breach of public policy or indications of bad faith, it is not the Board's function to judge the reasonableness of the bargaining position.

The Board dealt with the relationship between local and national bargaining in *Stelco Inc. v. Steelworkers Local 5220* [1990] Alta.L.R.B.R. 535. The Board found it was not unreasonable for a union local to seek national terms within the context of local negotiations. It was unreasonable however for a union local, reluctant to switch from a history of national bargaining to local bargaining, to add national representatives to the local negotiating committee and then insist that meetings be held in another province.

The Board supervises all strike and lockout votes. During this reporting period, there were 53 strike votes and 11 lockout polls. There were no multi-employer lockout votes. This is up from 31 strike votes and nine lockout polls in the previous reporting period.



The proposal vote provisions require the Board to poll employees on an employer's offer in three circumstances. The first is following a Disputes Inquiry Board. The other two are at the request of the employer. This can be done when the employer accepts, but the union rejects, a mediator's recommendation. It can also be done, on one occasion only during a dispute, solely

on the basis of an employer proposal. The same provisions allow polls amongst employers who bargain together.

During this period, the Board handled eight votes on employer's proposals, but none involving a mediator's recommendation.

Of these eight proposal votes, one was withdrawn, five went against the proposal, and two were accepted. As in the previous year, it took an average of nine days to conclude proposal votes. This excludes one mail-in vote and one vote of 37 days which could not be held until after a formal hearing.

◆ STRIKES, LOCKOUTS AND PICKETING

The Board concluded 37 "cease and desist" applications during the year.

The Board processed 12 illegal strike complaints under sections 69 or 84. The complainants withdrew two and the Board dismissed two complaints. Eight resulted in orders that the strike cease. All eight orders granted were adjudicated within 24 hours of receipt, reflecting the high priority the Board assigns to cases involving work stoppages.

Of the four illegal lockout allegations received, under sections 70 and 85, one was settled through Board intervention, one withdrawn, one dismissed and one adjourned sine die. Three complaints alleged a refusal to work contrary to section 83. The Board granted cease and desist orders in two cases and one was withdrawn.

In the construction industry, the Board processed four complaints of illegal construction strike activity. However, all four involved one dispute and resulted in a single cease and desist order. The Board received two illegal construction industry lockout allegations, one of which was dismissed and the other settled.

The Board dealt with 12 applications to regulate picketing, granting seven orders, dismissing three applications and settling one. One was withdrawn. Five of these applications involved allegations of illegal picketing, for example, secondary picketing away from the place of employment. Seven involved labour picketing unrelated to any lawful strike or lockout action.

In *C.U.P.E. Local 474 v. Edmonton Public School Board et al.* [1990] Alta.L.R.B.R. 641, the Board addressed the effect of a second union's success in obtaining certification while the employees were already on strike. The Board found that certification terminates the former bargaining

agent's rights and brings the dispute to an end. The new trade union then obtains a new right to initiate collective bargaining.

The Board considered the purpose and duration of a strike notice in *Health Care Employees Union of Alberta v. V.S. Services Ltd.* [1990] Alta.L.R.B.R. 523. The union changed the nature and location of its strike, and also called a temporary break in strike activity. The Board decided that a union need only give strike notice at the commencement of strike activity. It was not required to give a new notice each time the nature of the activity changed. The purpose of strike notice is not merely to warn an employer of the date, time and location of strike activity. It also increases negotiation pressures and allows for last minute mediation efforts.

In *Camwil (Western) Construction v. Plumbers Local 488* [1990] Alta.L.R.B.R. 372, a union refused to supply labour under the hiring hall provisions in its collective agreement with the employer. The Board was satisfied that an illegal strike had occurred. Under the hiring hall dispatch method, undispached persons were employees even before actually commencing work for an employer or receiving wages. The Courts upheld the Board's decision on judicial review.

The Board considered the meaning of picketing in *Centennial Packers v. U.F.C.W. Local 373A et al.* [1990] Alta.L.R.B.R. 164. The decision set out some consistent elements of picketing within the meaning of section 82. The Board found that the mere delivery of an employer's products to restaurants did not make those restaurants "places of employment" within the meaning of section 82(1) of the Code.

◆ COLLECTIVE AGREEMENT ARBITRATION

During the reporting period, the Board continued its consultation with the arbitration community over appropriate steps to take to speed up the arbitration process. It also received the second part of a major study conducted by Ms Corliss Olson of the School of Management at the University of Calgary.

The Board concluded two section 138(1) applications to speed up arbitrations. One was granted and one settled through Board intervention. This is the same level of activity as the previous year.

In *Canadian Paperworkers Union, Local 1118 v. MacMillan Bathurst Corporation (#2)* [1990] Alta.L.R.B.R. 662, the Board examined the meaning of the discretion provided in section 15(3)(d) to decline to proceed with a matter that "is" properly the subject of collective agreement arbitration. The section's wording assumes the existence of a grievance yet to be referred to

arbitration or in the process of being determined by an arbitrator. The discretion is to be applied to present, rather than past, events.

♦ **PROHIBITED PRACTICES**

Unfair labour practice complaints normally involve the conduct of trade unions, or of employers. The volume of complaints received remained consistent with last year's experience.

Raw numbers can be misleading. Often complaints allege breaches of several related sections, yet by the time of hearing, these are refined into one or two key provisions. The practices of lawyers and others vary. Some lay wide-ranging complaints to catch every possible violation. Others focus their complaints more precisely at the outset. This makes the unquestioning reliance on total application numbers problematical.

In some areas, the ratio of complaints filed to successful complaints is low. However, unfair labour practices rarely occur in a vacuum. They are often woven into the broader processes of labour relations. Many complaints are withdrawn because the parties settle between themselves through collective bargaining or some other mechanism. Board intervention helps settle many other cases without a final decision.

COMPLAINTS AGAINST EMPLOYERS

In this year, the Board concluded 273 complaints against employers. Three were incomplete, 82 withdrawn, 27 adjourned sine die and 79 settled through Board intervention. Of those formally adjudicated, the Board dismissed 54 matters and found in favour of the applicant on 28 matters.

While the number of complaints concluded rose from the previous year's total of 192, this is almost entirely a result of removing a backlog of cases from the previous year. The number of complaints sustained fell to 28 from 38, but the number settled through Board intervention rose from 54 to 75.

The sections attracting the most activity were: 146(1)(a)(i) employer union involvement with 39 cases concluded; 146(1)(a)(ii) employer interference with 52 cases; 147(a)(i) and (ii) employment discrimination because of union membership with 36 cases and 147(c) employer intimidation with 46 cases. Breaches of the three "freeze" provisions in section 145 involved 21 cases.

A section 146(1) complaint of employer interference with trade union representation of employees arose in *Airtex Industries Ltd. et al. v. Brian Bolt* [1990] Alta.L.R.B.R. 269. The employer refused

to negotiate with the representative of another union. The bargaining agent, an employee association, hired that union under a service agreement to negotiate and administer collective agreements on its behalf. The Board upheld the validity of the service agreement, and concluded that the association was authorized by both its constitution and the agreement to hire outside representation. On judicial review in *Airtex Industries Ltd. (Engineered Air Division) v. The Labour Relations Board et al.* [1990] Alta.L.R.B.R. 509, the Court of Queen's Bench quashed the Board's decision. The Court found the employees' association had divested itself of all its statutory and contractual obligations thus contravening the scheme of the Labour Relations Code. In particular, it contravened section 47 which requires Board recognition of successorship before an employer is required to recognize a new entity as bargaining agent.

In *U.F.C.W. Local 421P v. Airtex Industries Ltd.* [1990] Alta.L.R.B.R. 687, the Board heard another complaint of employer interference with union representation. The employer stated that it would not deal with a newly certified union until after a judicial review of the Board's decision concerning invalid and spoiled vote ballots. The newly-certified union had not yet served its notice to bargain, or actually been refused. The alleged interference was anticipatory only. Without an overt act of interference, no unfair labour practice was made out.

Unlike some jurisdictions, Alberta has no specific remote site access provisions. Several unions raised the difficulty of remote site access in the context of an unfair labour practice complaint in *Operating Engineers Local 955, Plumbers 488 and Labourers 92 v. Midwest Pipeline et al.* [1990] Alta.L.R.B.R. 445. The Board held that denial of union access to employees at remote work sites for the purpose of organizing may constitute a section 146(1) unfair labour practice. However, the Board will not grant advance access orders. There must first be a request, followed by an unjustified refusal by the employer.

In *IWA-Canada, Local 1-207 and Sainsbury v. Zeidler Forest Industries Ltd. (#2)* [1990] Alta.L.R.B.R. 425, the Board commented on the evidentiary burden borne by the complainant in an employee termination case under section 147. The onus of proof falls upon the complainant until sufficient facts are presented to justify drawing the inference that a prohibited (normally anti-union) purpose played a part in the termination. The Code contains no reverse onus provision of the type often found in collective agreements where the employer must prove just cause. The Courts upheld this decision on judicial review (see [1990] Alta.L.R.B.R. 437).

In *C.U.P.E. Local 2340 et al. v. Forest Grove Care Centre Ltd.* [1990] Alta.L.R.B.R. 671, the Board ruled that an employee termination found to violate the Code cannot be said to be for a proper or a sufficient cause within the meaning of the section 148 defence provision.

COMPLAINTS AGAINST UNIONS

During the year, the Board concluded 47 complaints against trade unions. Seven were incomplete, four withdrawn, six settled through Board intervention, 26 dismissed and four granted.

Twenty-two complaints alleged breaches of the duty of fair representation. In *Mr. Lloyd Kelly v. C.U.P.E. Local 37 et al.* [1990] Alta.L.R.B.R. 626, the Board dismissed a complaint brought long after the events in question. It held that complainants must bring such complaints in a timely manner. Otherwise the union's right to defend itself is impaired.

Eleven cases involved allegations of union coercion of employees. One was incomplete, three settled through Board intervention, six dismissed and one withdrawn.

In *General Teamsters Local 362 v. E.C.W. Local 777* [1990] Alta.L.R.B.R. 402, a newly-certified union complained that a rival union wrote letters discouraging membership contrary to section 149(f). The Board found the communications unlikely to intimidate, coerce or unduly influence an employee's choice of union membership. Section 149(f) which prohibits such activity does however, extend to both actual organizing activities and activities directed to obtaining future support.

In *Junction Construction Ltd. v. Carpenters Local 846 et al.* [1990] Alta.L.R.B.R. 195, the Board ruled that even though a statement is foolish, unreasonable or even negligent, it may not amount to coercion or undue influence under section 149(f).

◆ THE CONSTRUCTION INDUSTRY

This year marked the first time in many years that a majority of trades within the unionized construction industry worked under collective agreements.

During the year, the Board concluded its evaluation of its appropriate bargaining units policy for the construction industry. Early in the reporting period the Board adopted a comprehensive new Information Bulletin #11 - Bargaining Units for the Building Trades. This bulletin reflects Board decisions following a review of the many helpful submissions received from those involved in the industry. The Bulletin serves to keep the Board's bargaining unit policies in step with the new system of province-wide registration bargaining.

Towards the end of the transition process, as the parties tried to conclude 1989-91 collective agreements, questions arose about the meaning of the legislation. Parties also raised issues

about whether 75% of the trades within the general construction sector had settled their collective agreements. These issues led the Minister to refer the question to the Board for hearing and resolution.

In *Minister of Labour v. C.L.R.a. et al.* [1990] Alta.L.R.B.R. 300, the Board confirmed that the Minister of Labour may, in establishing a Construction Industry Disputes Resolution Tribunal, exercise her discretion under section 187(1) to refer to the tribunal the outstanding issues of one, several or all of the unsettled trades.

The Board dealt with its jurisdiction under section 163 in *C.L.R.a. v. Fluor Canada Ltd. et al.* [1990] Alta.L.R.B.R. 566. The section involves a registered employers' organization's right to levy and collect dues from contractors bound by registration. The Board decided it had jurisdiction to determine the issues of the liability for and reasonableness of dues claimed by a registered employers' organization. However, matters such as non-payment of dues, the amount of debt, set-off and enforcement are matters for the courts.

In *Operating Engineers Local 955 v. Foundation Company of Canada and C.L.R.a. et al.* [1990] Alta.L.R.B.R. 631, the Board decided that the Roadbuilding and Heavy Construction Sector Operating Engineers' registration certificate covered bridges contracted for and built as part of highway contracts and other minor bridges contracted for separately and not requiring substantial use of trades other than Operating Engineers. All other bridges, including steel and precast concrete bridges, fell under the General Construction Sector O.E.'s registration certificate.

The Board interpreted the April 30 biennial termination date required by section 181 of the Labour Relations Code in *Westbrook Electrical Services Ltd. v. C.L.A.C., Locals 63 and 65* [1991] Alta.L.R.B.R. 56. The Board decided that the termination date requirement applies to all construction registration agreements and not to ordinary employer-trade union agreements covering construction work but outside the scope of registration bargaining.

■ JUDICIAL REVIEW - COURT ACTIVITY ■

The Board experienced a substantial increase in the number of judicial review applications launched during the year. This was partly offset by the number of applications withdrawn. Some parties filed parallel reconsideration applications and withdrew their judicial review application once the Board dealt with the reconsideration.

COURT CHALLENGES TO BOARD DECISIONS

YEAR	1986	1987	1988	1989	1990	1991*
Outstanding at beginning of year	11	11	10	9	13	18
Applications Commenced	17	17	15	17	26	1
Applications Withdrawn	5	2	7	7	12	2
Decisions Upheld	10	15	8	7	6	1
Decisions Reversed or Remitted Back	2	1	1	0	3	0
Outstanding at end of the year	11	10	9	12	18	16

* January 1 - March 31 only

Five cases resulted in written reasons for decision, all reported in the Alberta Labour Relations Board Reports.

Two cases arose out of Board cease and desist orders issued in 1988 during a nurses' dispute. The Court of Appeal in *U.N.A. v. The Attorney General of Alberta*, [1990] Alta.L.R.B.R. 50 and *U.N.A., Local 79 et al. v. The General Hospital (Grey Nuns) of Edmonton et al.*, [1990] Alta.L.R.B.R. 78 made some important comments about the Board's powers to make orders necessary for the purposes of the Act. It also made important comments on the enforceability of Board orders. The union has since received leave to appeal these decisions to the Supreme Court of Canada.

In *Firefighters Local 2130 v. City of St. Albert and L.R.B. et al.* [1990] Alta.L.R.B.R. 410, the Court of Appeal agreed with an earlier quashing of a Board decision by the Court of Queen's Bench,

but for different reasons. The reasons dealt with the test for judicial review as well as the merits of the legal issue involved.

In *I.W.A. Canada, Local 1-207 v. Zeidlers Forest Industries Ltd. et al.* [1990] Alta.L.R.B.R. 437, the Court of Queen's Bench upheld a Board decision concerning the onus of proof in unfair labour practice cases. The decision dealt particularly with the interrelationship between provisions prohibiting discipline involving anti-union animus and provisions protecting the right to terminate for just cause in section 143 of the former Labour Relations Act. It also ruled on the appropriateness of the Board remedy in that case.

In *Airtex Industries Ltd. v. The Labour Relations Board and Engineered Air Employees Association et al.* [1990] 509, the Court of Queen's Bench quashed a Board decision concerning the propriety of a service agreement between an employee's association and a trade union. The Court found the association had delegated its statutory responsibilities contrary to the Code and its own constitution.

■ CASE LOAD STATISTICS ■

The Board's computerized case management system provides individual case monitoring facilities. It also gives the ability to generate statistics about activity before the Board. This report includes the following statistical reports.

Table 1:	Case Resolution by Category
Table 2:	Case Resolution by Section
Table 3:	Certification Application:s - Concluded
Table 4:	Industry Categories
Table 5:	Revocation Applications - Concluded
Table 6:	Reconsiderations (Review Type) - Concluded
Table 7:	Votes - Concluded
Table 8:	Concluded Files - Others - By Category
Table 9:	Concluded Files - Others - By Section
Table 10:	Labour Relations Code Comparative Statistical Summary

◆ TERMS USED IN THE STATISTICAL TABLES

The Board tracks each individual case that comes before it. We call this a "Matter." A matter generally consists of an application, reference or complaint brought by one party (or sometimes a group of parties) against another party (or group of parties) under a specific section of the Labour Relations Code.

Only certain sections of the Code give rise to applications, references or complaints. We call these "entry sections." The reports break down the matters received by entry section. In a few cases, applications are so frequently brought under two sections at the same time that we group them together and treat them as one entry section for statistical purposes. Entry sections beginning with the letter P involve the Police Officers Collective Bargaining Act.

Often a case will involve several matters. One dispute, between an employer and a trade union, may, for example, give rise to several different complaints. More general reports allow a look at areas of activity by grouping entry sections into more general "categories."

A case recorded as one matter may affect more than one person. There are "test case" situations where a decision about one person will govern others. We generally record these cases as one matter, not several.

These definitions ensure the validity of statistical comparisons from year to year.

The Board's last annual report included statistics for the 1980-88 period. Those wishing long-term comparative figures should review that report.

In the case of most reports, our statistics are province-wide. However, parallel reports are available which break down the same statistics into those processed through Calgary or Edmonton.

The various case conclusion reports analyze cases by "resolution type." Some resolution types are self-explanatory. The following comments will explain those that are not.

CERTIFICATION:

Refused Numbers: means the union did not meet the initial 40% requirement.

Refused Unit: means the Board found the bargaining unit inappropriate.

Refused - Multiple: means the application was dismissed in circumstances where the union applied twice, intending only to get one certificate (for example, when it was uncertain which party was the true employer).

Refused - Other: means the Board rejected the application for other reasons. For example, time bars, lack of trade union status, etc.

REVOCATION:

Refused - Numbers: means the applicant did not have the necessary initial 40% support.

Refused - Other: means the Board rejected the application for other reasons.

RECONSIDERATION (REVIEW TYPE):

Declined: means the Board declined to reconsider the matter.

Varied: means the Board varied its original decision.

Revoked: means the Board revoked its original decision.

Affirmed: means the Board reconsidered the matter, but ended up affirming its original decision.

ALL OTHER CATEGORIES:

Withdrawn:

means the application was withdrawn. Parties may do this voluntarily, or as part of a settlement arrived at between themselves.

Informal:

means the matter was resolved by the parties accepting a Section 10 Informal Board Member recommendation.

Settled:

means the matter was settled because of officer or other Board intervention.

Dismissed:

means the Board dismissed a complaint, or ruled for the respondent in an application or reference.

Granted:

means the Board upheld a complaint, or ruled for the applicant in an application or reference.

TABLE 1
CASE RESOLUTION BY CATEGORY
PERIOD 04/01/90 - 03/31/91

Description	Start	Received	Concluded	Outstanding
Certification	21	239	243	17
Revocation	8	43	49	2
Determinations	48	193	162	79
Appeals	9	26	26	9
Differences	2	9	9	2
Consents	0	6	6	0
BR modifications	26	81	79	28
Successor unions	3	10	12	1
Bad faith bargaining	4	23	25	2
Conducted votes	0	11	10	1
Illegal strike/pktg	2	29	31	0
Illegal lockout	1	6	6	1
Supervised S/L votes	5	62	64	3
Speeding Up Arbs	1	2	2	1
Employer UFLP	82	206	273	15
Trade Union UFLP	1	16	14	3
Employee/TU UFLP	6	40	33	13
Registration cases	4	9	9	4
Miscellaneous	1	21	21	1
P.O.C.B.A.	0	1	0	1
LRA/Transition	5	40	34	11
Total	229	1073	1108	194

Total Outstanding Cases As Of 04/01/90: 229
Received: 1073
Concluded: 1108
Total Outstanding Cases As Of 03/31/91: 194

TABLE 2
CASE RESOLUTION BY SECTION
PERIOD 04/01/90 - 03/31/91

Section	Description	Start	Received	Concluded	Outstanding
11(3a)	Employer determination	5	13	15	3
11(3bo)	Employee/unit determination	12	86	58	40
11(3c)	Employers' organization	0	0	0	0
11(3d)	Trade union	0	0	0	0
11(3e)	Bargaining authority	1	0	0	1
11(3fk)	Agreement determinations	7	17	20	4
11(3ghi)	Persons bound by agreement	13	46	40	19
11(3l)	Appropriate unit	0	0	0	0
11(3mn)	Union member determination	0	2	2	0
11(3p)	Employer bound by reg'n	6	15	16	5
11(3qr)	Sector/Trade determination	3	1	0	4
11(3s)	Industry determination	1	13	11	3
11(3tu)	Strike/Lockout determination	0	0	0	0
11(4a)	Reconsideration - Appeal	9	26	26	9
11(4ch)	Reconsideration - Change	8	21	21	8
13(2)	Attendance of witness	1	0	1	0
14(3a)	Vote at parties request	0	2	2	0
14(3b)	Vote at Minister's decision	0	0	0	0
15(1)	Non-specific UFLP	0	7	7	0
15(2)	Reference of a difference	2	9	9	2
17(6)	Board order - Non compliance	0	6	6	0
18(2)	Judicial review	0	0	0	0
20(abc)	Employer/TU discrimination	0	1	1	0
24	Union disciplinary action	0	0	0	0
25	Union dues deduction	0	2	2	0
27(2)	Religious exemption	0	1	0	1
29	E.O. disciplinary action	0	0	0	0
30	Certification	21	239	243	17
35(1)	Consent to file certification	0	1	1	0
39(1)	Consolidation of certificates	0	3	3	0
42	Extension of certificate	0	0	0	0
43	Modification of certificate	1	4	4	1
44	Sale/Lease/Transfer	15	31	35	11
45(1)	Spinoffs	1	11	7	5

46(2)	Governing bodies	0	0	0	0
47(1)	Successor trade union	3	10	12	1
49(1ee)	Employee revocation	2	29	29	2
49(1er)	Employer revocation	6	11	17	0
49(1tu)	Trade union revocation	0	3	3	0
50(1)	Revocation consent during S/L	0	0	0	0
53(1)	Revocation without application	0	0	0	0
55	Waiver of 90 day time bar	0	5	5	0
58(3)	Duty to bargain in good faith	4	21	23	2
64(3)	Mediator's report vote	0	0	0	0
67(1)	Last offer proposal vote	0	9	8	1
69	Illegal strike	0	10	10	0
70	Illegal lockout	1	3	3	1
74(1a)	Strike vote	5	51	53	3
74(2a)	Lockout poll	0	11	11	0
74(2b)	Lockout vote	0	0	0	0
82(2)	Regulation of picketing	2	10	12	0
83(ab)	Refusal to work	0	3	3	0
84	Unlawful strike powers	0	2	2	0
85	Unlawful lockout powers	0	1	1	0
86(2)	S/L Order - non compliance	0	1	1	0
88(2)	Reinstatement of employee	0	0	0	0
94(2)	Fire & Hosps illegal S/L's	0	0	0	0
105(2)	D.I.B. vote	0	0	0	0
112(14)	Dues checkoff suspension	0	0	0	0
113(13)	Dues during illegal lockout	0	0	0	0
129	Refusal to sign agreement	0	2	2	0
131	Void agreement	0	2	2	0
138(1)	Speeding up arbitration	1	2	2	1
145(1)	Pre-certification freeze	3	10	13	0
145(2)	Post-certification freeze	2	3	5	0
145(3)	Bargaining period freeze	1	3	3	1
146(1a1)	Employer union involvement	10	32	39	3
146(1a2)	Employer interference	13	44	52	5
146(1b)	Employer union contributions	1	1	2	0
147(a12)	Refusal to employ - membership	13	25	36	2
147(a3)	Refusal to employ - expulsion	0	2	2	0
147(a456)	Refusal to employ - complaint	4	11	15	0
147(a7)	Refusal to employ - strike	1	1	2	0

147(a8)	Refusal to employ - rights	9	16	24	1
147(b)	Illegal contract term	3	9	12	0
147(c)	Illegal employer intimidation	18	29	46	1
147(d)	Illegal disciplinary action	0	1	0	1
147(e)	Illegal collective bargaining	0	0	0	0
147(f)	Illegal penalty or discharge	0	0	0	0
147(g123)	Illegal employer retaliation	3	17	19	1
149(a)	Force bargain for other's unit	0	2	2	0
149(b)	Bargain another T.U.'s unit	0	0	0	0
149(c)	Union involvement with E.O.	0	0	0	0
149(d)	Illegal workplace organizing	0	0	0	0
149(e)	Encouraging refusal to work	0	1	1	0
149(f)	Union coercion	1	12	11	2
149(g)	Employee termination	0	0	0	0
149(h)	T.U. penalty-rights	0	1	0	1
149(i12)	T.U. penalty working	0	0	0	0
150(1a)	Discriminatory union rules	0	4	4	0
150(1b)	Discriminatory discipline	0	7	7	0
151(1)	Duty of fair representation	6	29	22	13
152(1)	Dispute related misconduct	0	0	0	0
152(2)	Dispute related misconduct	0	3	3	0
153(1a)	Insurance denial - stoppage	1	0	1	0
153(1b)	Insurance denial - dismissal	0	0	0	0
153(2a)	Denial of insurance benefit	0	0	0	0
153(2b)	Cancellation of insurance	0	0	0	0
153(2c)	Refusal to accept premiums	0	0	0	0
153(2d)	Failure to remit premiums	0	0	0	0
163	R.E.O. dues	0	3	0	3
164	Registration application	0	1	1	0
168(1)	Waiver of 60 days - reg'n	0	0	0	0
173(5)	Rules for group of unions	1	0	1	0
175(1)	Directive re: contracts	2	3	5	0
177	Filing requirement	0	0	0	0
178(2)	Merger of R.E.O.	0	0	0	0
179(1)	Cancellation of registration	1	1	1	1
182(1)	Consolidation order	0	1	1	0
183(1)	Construction - strike votes	0	0	0	0
184(1)	Illegal construction strike	0	4	4	0
185(2)	Construction - lockout votes	0	0	0	0

186	Construction - illegal lockout	0	2	2	0
190(1)	Construction spin-off	1	11	9	3
205	Transitional provisions	1	40	33	8
LRA	Master under LRA	4	0	1	3
p25	Speeding up arbitration	0	0	0	0
p36	Employer U.F.L.P.	0	0	0	0
p37	Police Asm. U.F.L.P.	0	1	0	1
p40	Settlement of difference	0	0	0	0
p43(2)	Determinations	0	0	0	0
p44	Reconsideration	0	0	0	0
Totals		229	1073	1108	194

Total Outstanding Cases As Of 04/01/90: 229

Received: 1073

Concluded: 1108

Total Outstanding Cases As Of 03/31/91: 194

TABLE 3
CERTIFICATION APPLICATIONS - CONCLUDED
PERIOD 04/01/90 - 03/31/91

	Withdrawn	Sine Die	Refused Numbers	Refused Unit	Refused Multiple	Refused Other	Refused Lost Vote	Certified	Total
<i>Number of Conclusions:</i>									
Total Files:	28	0	14	4	13	10	40	134	243
Edmonton Files:	15	0	14	2	13	8	33	94	179
Calgary Files:	13	0	0	2	0	2	7	40	64
<i>Average Number of Days to Conclusion:</i>									
Average Days: Overall	10	0	33	32	63	21	21	23	24
Average Days: Edmonton	10	0	33	31	63	21	21	24	26
Average Days: Calgary	11	0	0	34	0	19	17	19	18
<i>Industry Breakdown:</i>									
Construction	14	0	7	0	13	6	17	55	112
Construction - Related	2	0	3	1	0	2	6	19	33
Education	1	0	1	0	0	0	0	4	6
Food Production	1	0	0	0	0	2	2	2	7
Hosp. and Health Care Services	5	0	0	1	0	0	6	23	35
Manufacturing	3	0	2	0	0	0	3	11	19
Mining	0	0	0	0	0	0	0	1	1
Printing	0	0	0	0	0	0	1	3	4
Public Sector	0	0	0	1	0	0	0	4	5
Pulp & Lumber Forest Products	0	0	0	0	0	0	0	2	2
Retail and Wholesale Sector	1	0	1	1	0	0	4	5	12
Transportation and Storage	1	0	0	0	0	0	1	1	3
Miscellaneous	0	0	0	0	0	0	0	4	4

TABLE 4**INDUSTRY CATEGORIES**

This table describes the type of bargaining relationship falling within each industry type used in the Board's statistical tables.

Construction:	General (Commercial/Institutional/Industrial), Pipeline, Roadbuilding and Heavy Construction, Specialty
Construction-Related:	Quasi-Construction, Service, Maintenance, Repair
Education:	School Boards, Private Schools
Food Production:	Baked Goods, Cereal, Dairy Products, Feed, Fish, Flour, Fruit, Milk, Meat and Poultry, Sugar, Vegetables, Vegetable Oils
Hospital and Health Care Services:	Health Care Units, Hospitals, Medical and other Health Laboratories, Nursing Homes, Victorian Order Nurses
Manufacturing:	Appliances, Beverages - (Brewery, Distillery Soft Drinks, Winery), Chemical, Clay Products, Clothing, Concrete Products, Electrical, Electronic, Fabricated Metal, Furniture, Glass, Machinery, Metal, Paper Goods, Petroleum, Pipe, Plastics, Pulp & Paper, Rubber, Textiles, Transportation Equipment
Mining:	Metals, Non-Metal, Coal, Oil & Gas, Tarsands (overburden)
Printing:	Bindery, Book Publishing, Business Forms, Commercial Printing & Typesetting, Newspaper, Magazines, Periodicals
Public Sector:	Ambulance Authorities, Fire Departments, Improvement Districts, Library Boards, Municipalities, Police, Public Transportation, Recreation Boards
Pulp & Lumber Forest Products:	Logging, Pulp & Paper, Sawmills
Retail and Wholesale Trade:	Automotive Sales & Service, Beer Stores, Department Stores, Drug Stores, Food, Beverage and Accommodation Services, Gas & Service Stations, Grocery Stores, Liquor Stores, Movie Production, Non-Destructive Testing, Parking Lot Service, Security Guard Service, Theatres (including live and movie), Wine Stores
Transportation and Storage:	Warehousing, Distribution, Trucking, Taxies, Buses, Couriers
Utilities:	Electricity, Water, Gas, Telephones
Miscellaneous:	Agricultural/Exhibition Boards, Greenhouses, Group Homes, Labour Organizations, Legal Aid, Mushroom Farms, Non-Profit Organizations, Charity Groups

TABLE 5
REVOCATION APPLICATIONS - CONCLUDED
PERIOD 04/01/90 - 03/31/91

Section	Description	Withdrawn	Sine Die	Refused Numbers	Refused Other	Refused Lost Vote	Revoked Cert	Revoked V.R.	Overall Average
Number of Conclusions									
49(1ee)	Employee revocation	0	0	2	5	3	16	3	29
49(1er)	Employer revocation	2	0	0	5	0	9	1	17
49(1ur)	Trade Union revocation	1	0	0	1	0	0	1	3
53(1)	Revocation without application	0	0	0	0	0	0	0	0
TOTAL FILES:		3	0	2	11	3	25	5	49
Edmonton Files:		3	0	1	9	2	21	1	37
Calgary Files:		0	0	1	2	1	4	4	12
Industry Breakdown:									
Construction		0	0	1	5	0	7	1	14
Construction - Related		1	0	0	2	0	0	1	4
Food Production		0	0	0	0	1	0	0	1
Hosp. and Health Care Services		0	0	0	1	0	1	0	2
Manufacturing		1	0	0	0	1	4	0	6
Public Sector		0	0	0	0	0	1	0	1
Retail and Wholesale Sector		1	0	1	1	1	10	2	16
Transportation and Storage		0	0	0	0	0	0	1	1
Utilities		0	0	0	0	0	1	0	1
Miscellaneous		0	0	0	2	0	1	0	3

TABLE 6
RECONSIDERATIONS (REVIEW TYPE) - CONCLUDED
PERIOD 04/01/90 - 03/31/91

Section	Description	Incomplete	Withdrawn	Sine Die	Declined	Varied	Revoked	Affirmed	Total
11(4a)	Reconsideration - Appeal	1	4	0	9	1	6	5	26

TABLE 7
VOTES - CONCLUDED
PERIOD 04/01/90 - 03/31/91

Section	Description	Incomplete	Withdrawn	Sine Die	Refused	For	Against	Total
14(3a)	Vote at parties request	0	0	0	0	1	1	2
14(3b)	Vote at Minister's direction	0	0	0	0	0	0	0
64(3)	Mediator's report vote	0	0	0	0	0	0	0
67(1)	Last offer proposal vote	0	1	0	0	2	5	8
74(1a)	Strike vote	0	6	0	0	45	2	53
74(2a)	Lockout poll	0	2	0	0	9	0	11
74(2b)	Lockout vote	0	0	0	0	0	0	0
105(2)	D.I.B. vote	0	0	0	0	0	0	0
183(1)	Construction - strike votes	0	0	0	0	0	0	0
185(2)	Construction - lockout votes	0	0	0	0	0	0	0
Totals		0	9	0	0	57	8	74

TABLE 8

CONCLUDED FILES - OTHERS - BY CATEGORY
PERIOD 04/01/90 - 03/31/91

Category	Incomplete	Withdrawn	Sine Die	Informal	Settled	Dismissed	Granted	Total
Determinations	0	56	5	4	29	30	38	162
Differences	0	0	1	0	3	1	4	9
Consents	0	1	0	0	1	2	2	6
BR modifications	10	10	2	0	7	8	42	79
Successor unions	0	0	0	0	0	1	11	12
Bad faith bargaining	2	4	3	0	6	6	4	25
Illegal strike/pkg	0	4	0	0	1	5	21	31
Illegal lockout	0	1	1	0	2	2	0	6
Speeding up arbs	0	0	0	0	1	0	1	2
Employer UFLP	3	82	27	0	79	54	28	273
Trade Union UFLP	1	2	0	0	3	6	2	14
Employee/TU UFLP	6	2	0	0	3	20	2	33
Registration cases	1	4	1	0	0	2	1	9
Miscellaneous	3	4	2	0	4	2	6	21
P.O.C.B.A.	0	0	0	0	0	0	0	0
LRA/Transition	0	0	0	0	26	1	6	34
Totals	26	170	42	4	165	140	168	716

TABLE 9

**CONCLUDED FILES - OTHERS - BY SECTION
PERIOD 04/01/90 - 03/31/91**

Section	Description	Incomplete	Withdrawn	Sine Die	Informal	Settled	Dismissed	Granted	Total
11(3a)	Employer determination	0	6	1	0	4	2	2	15
11(3bo)	Employee/unit determination	0	17	0	2	6	19	14	58
11(3c)	Employers' organization	0	0	0	0	0	0	0	0
11(3d)	Trade Union	0	0	0	0	0	0	0	0
11(3e)	Bargaining authority	0	0	0	0	0	0	0	0
11(3f)	Agreement determinations	0	8	2	0	4	2	4	20
11(3gh)	Persons bound by agreement	0	11	1	2	8	5	13	40
11(3i)	Appropriate unit	0	0	0	0	0	0	0	0
11(3mn)	Union member determination	0	2	0	0	0	0	0	2
11(3p)	Employer bound by Reg'n	0	7	1	0	3	1	4	16
11(3qr)	Sector/Trade determination	0	0	0	0	0	0	0	0
11(3s)	Industry determination	0	5	0	0	4	1	1	11
11(3u)	Strike/Lockout determination	0	0	0	0	0	0	0	0
11(4ch)	Reconsideration - Change	0	1	1	0	0	2	17	21
13(2)	Attendance of witness	0	0	0	0	0	1	0	1
15(1)	Non-specific UFLP	0	1	2	0	3	1	0	7
15(2)	Reference of a difference	0	0	1	0	3	1	4	9
17(6)	Board order - Non compliance	0	3	0	0	0	0	3	6
20(abc)	Employer/TU discrimination	1	0	0	0	0	0	0	1
24	Union disciplinary action	0	0	0	0	0	0	0	0
25	Union dues deduction	0	0	0	0	2	0	0	2
27(2)	Religious exemption	0	0	0	0	0	0	0	0
29	E.O. disciplinary action	0	0	0	0	0	0	0	0
35(1)	Consent to file certification	0	0	0	0	0	1	0	1
39(1)	Consolidation of certificates	0	0	0	0	0	1	2	3

147(a12)	Refusal to employ - membership	0	9	3	0	13	5	6	36
147(a3)	Refusal to employ - expulsion	0	0	0	0	2	0	0	2
147(a456)	Refusal to employ - complaint	0	4	2	0	5	3	1	15
147(a7)	Refusal to employ - strike	0	1	0	0	0	1	0	2
147(a8)	Refusal to employ - rights	0	7	2	0	7	5	3	24
147(b)	Illegal contract term	0	4	3	0	1	3	1	12
147(c)	Illegal employer intimidation	0	12	5	0	13	8	8	46
147(d)	Illegal disciplinary action	0	0	0	0	0	0	0	0
147(e)	Illegal collective bargaining	0	0	0	0	0	0	0	0
147(f)	Illegal penalty or discharge	0	0	0	0	0	0	0	0
147(g123)	Illegal employer retaliation	0	4	4	0	7	3	1	19
149(a)	Force bargain for other's unit	1	0	0	0	0	0	1	2
149(b)	Bargain another T.U.'s unit	0	0	0	0	0	0	0	0
149(c)	Union involvement with E.O.	0	0	0	0	0	0	0	0
149(d)	Illegal workplace organizing	0	0	0	0	0	0	0	0
149(e)	Encouraging refusal to work	0	0	0	0	0	0	0	0
149(f)	Union coercion	0	2	0	0	0	1	0	1
149(g)	Employee termination	0	0	0	0	3	5	1	11
149(h)	T.U. penalty-rights	0	0	0	0	0	0	0	0
149(i12)	T.U. penalty working	0	0	0	0	0	0	0	0
150(1a)	Discriminatory union rules	0	0	0	0	0	0	0	0
150(1b)	Discriminatory discipline	1	1	0	0	3	1	0	4
151(1)	Duty of fair representation	5	1	0	0	0	5	0	7
152(2)	Dispute related misconduct	0	0	0	0	1	14	2	22
153(1a)	Insurance denial - stoppage	0	0	0	0	0	0	2	3
153(1b)	Insurance denial - dismissal	0	0	0	0	0	0	0	0
153(2a)	Denial of insurance benefit	0	0	0	0	0	1	0	1
153(2b)	Cancellation of insurance	0	0	0	0	0	0	0	0
153(2c)	Refusal to accept premiums	0	0	0	0	0	0	0	0

TABLE 10
LABOUR RELATIONS CODE
COMPARATIVE STATISTICAL SUMMARY
for the years ending March 31, 1990-1991

	89/90	90/91
Certification		
Start of reporting period	19	21
Received	253	239
Concluded	251	243
Outstanding at end of period	21	17
Employee Revocation (s. 49(1ee))		
Start of reporting period	1	2
Received	42	29
Concluded	41	29
Outstanding at end of period	2	2
Employer Revocation (s. 49(1er))		
Start of reporting period	3	6
Received	22	11
Concluded	19	17
Outstanding at end of period	6	0
Union Revocation (s. 49(1u))		
Start of reporting period	0	0
Received	323	3
Concluded	323	3
Outstanding at end of period	0	0
Determinations		
Start of reporting period	10	48
Received	87	193
Concluded	49	162
Outstanding at end of period	48	79
Reconsideration Appeals		
Start of reporting period	1	9
Received	34	26
Concluded	26	26
Outstanding at end of period	9	9

Differences		
Start of reporting period	4	2
Received	12	9
Concluded	14	9
Outstanding at end of period	2	2
Consents		
Start of reporting period	0	0
Received	7	6
Concluded	7	6
Outstanding at end of period	0	0
BR Modifications		
Start of reporting period	12	26
Received	71	81
Concluded	57	79
Outstanding at end of period	26	28
Successor Trade Unions		
Start of reporting period	3	3
Received	14	10
Concluded	14	12
Outstanding at end of period	3	1
Bad Faith Bargaining		
Start of reporting period	3	4
Received	21	23
Concluded	20	25
Outstanding at end of period	4	2
Conducted Votes		
Start of reporting period	0	0
Received	9	11
Concluded	9	10
Outstanding at end of period	0	1
Illegal Strike/Picketing		
Start of reporting period	0	2
Received	41	29
Concluded	39	31
Outstanding at end of period	2	0

Illegal Lockouts		
Start of reporting period	0	1
Received	3	6
Concluded	2	6
Outstanding at end of period	1	1
Supervised S/L Votes		
Start of reporting period	0	5
Received	45	62
Concluded	40	64
Outstanding at end of period	5	3
Speeding up Arbitrations		
Start of reporting period	0	1
Received	2	2
Concluded	1	2
Outstanding at end of period	1	1
Employer UFLP		
Start of reporting period	64	82
Received	205	206
Concluded	187	273
Outstanding at end of period	82	15
Trade Union UFLP		
Start of reporting period	5	1
Received	18	16
Concluded	22	14
Outstanding at end of period	1	3
Employee/TU UFLP		
Start of reporting period	1	6
Received	18	40
Concluded	13	33
Outstanding at end of period	6	13
Registration Cases		
Start of reporting period	9	4
Received	19	9
Concluded	24	9
Outstanding at end of period	4	4

Miscellaneous Cases		
Start of reporting period	3	1
Received	21	21
Concluded	23	21
Outstanding at end of period	1	1
Police Officers Collective Bargaining Act		
Start of reporting period	0	0
Received	0	1
Concluded	0	0
Outstanding at end of period	0	1
LRA/Transition		
Start of reporting period	23	5
Received	3	40
Concluded	21	34
Outstanding at end of period	5	11
Start of Reporting Period:	161	229
Received	1270	1073
Concluded	1202	1108
Outstanding at End of Period:	229	194

* Note - Certain 1989-90 figures vary slightly from those reported in the Board's Annual Report for that period due to minor changes in posting criteria and error correction.